

Investigate-Research-Develop-Recommend  
(North Carolina General Statute 160A-387)

Sunset Beach Planning Board-Town of Sunset Beach  
Public Hearing/Special Call Meeting  
**Minutes from June 16, 2011**

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Members Present

Bill McDonald-Chairman  
Leon August  
Sybil Kesterson  
Al Seibert  
Carol Santavicca  
Eddie Walters

Members Absent

None

Staff

Sandy Wood  
Cindy Nelson

Others Present

Councilwoman:  
Carol Scott  
Councilwoman:  
Karen Joseph  
Land Planner:  
Landin Holland

1. **Call to order**-9:00 am
2. **Roll Call**-Quorum Present
3. **Agenda Comments**-None
4. **Approval of Minutes**-None
5. **Building and Zoning Administrator Report**-None
6. **Public Hearing Topics**
  - a. Proposed Text Amendment for Ordinance #151.216; Permitted Uses in the MB-2 Mainland Mixed Use District.

A regular Planning Board meeting was held on June 2, 2011 to hear the Text Text Amendment request.

The Chairman described how the Public Hearing process works, and then opened the Public Hearing.

Eric Frankovitch, Carolina Dreams LLC, was on speaker phone to listen to the meeting and have input.

Dave Stuart was on hand to restate the Text Amendment request. A restaurant is interested in opening in the MB-2 District and the zoning does not currently allow restaurants as a permitted use. He stated that the items highlighted in yellow on the proposed text changes were not a part of the Carolina Dreams LLC's Text Amendment request. The request by Carolina Dreams LLC is to allow restaurants and other neighborhood services in the MB-2 District.

The highlighted conditions in yellow in the proposed text were addressed by Dave as follows:

1. The loading and unloading facilities must be accommodated through the rear of the building, which makes sense.
2. The dumpsters and other facilities related to waste must be in the rear of the building and should be, including screening of such facilities. The screening is already required in the current ordinance so it should not have to be specific to restaurants in this section.
3. Grease traps should not have to be screened in the rear as most restaurants have grease traps inside the building, so requiring them to be outside could be an issue, why require them to be outside if they can be indoors?
4. Drive thru facilities is something we don't really need.

David informed the Board that he has been trying to get restaurants and fast food establishments to come to the Town for years, however, there are certain criteria these businesses look for such as traffic and population counts and Sunset Beach just does not meet the volumes they look for. David continued to state that Carolina Dreams LLC is looking forward to adding additional businesses and development in the area that will improve the quality of life in Sunset Beach.

At that time the Chairman asked if there were any comments by the public including Eric Frankovich. No comments being made the Chairman closed the Public Hearing.

## 7. Old Business

- a. Proposed Text Amendment for Ordinance #151.216; Permitted Uses in the MB-2 Mainland Mixed Use District.

Discussion as follows:

Carol: why are items (N), (O), (P) not listed under (C)?

Landin: Churches are more of an institutional use, restaurants have some unique properties related to the neighboring residential area, and that is why the potential concerns were listed in this way. Printing and photo shops could be listed under (C).

Carol: what about a senior center or a day care center? Those are more like instituonal uses.

Al: we are rewriting the code?

Landin: these are some things that do need to be looked at and considered but, would be better addressed at the UDO meetings.

Al: the heart of it is the intent of paragraph (C); it is very broad as written. Professional Services is for offices like dentists, doctors, and attorneys. Then the big word is the **“or”** written in there which leaves a lot open for interpretation. We are putting words in to confuse things. You want to keep this as broad to include all services. A print shop can be a small little shop or a large Kinko's type store. A restaurant is a whole other issue-maybe we need to define restaurant.

Sybil: isn't a restaurant a neighborhood service?

Al: a restaurant is an assembly use.

Landin: you have to consider things like noise, odor, the effects on the neighboring residential area.

Sybil: wouldn't parking be an issue? How many people will the restaurant seat? If the building is full of businesses during the day and the restaurant is open for lunch, then parking could be an issue.

Landin: a lot of this could be solved by making restaurants a Special Use. Checks and balances would be in place to address issues such as parking, hours of operations, as well as noise, lighting, and other concerns. It's not that you do not want restaurants; you just have concerns about some of the issues that come with restaurants.

Carol: especially when you back up to a residential community, there are more garbage pickups, more garbage problems. There are other districts with adequate space for restaurants that don't offer these same problems. There could be a problem subjecting the neighboring community to these concerns.

Eddie: did the Town notify adjacent property owners of the Public Hearing?

Landin: they would not be directly notified; they might be notified on the Council level for a Public Hearing. The Planning Board could recommend they be notified.

Eddie: that's a pretty big impact on a residential community and these folks should be notified and have input.

More discussion ensued and Landin restated that all these concerns can be addressed through the Special Use process.

Al: I don't oppose restaurants and certainly want to see us do everything we can to help promote that strip. We need to find a way to send to Council as perfect as a recommendation as possible. And, I thought the public would have been notified.

The Board Secretary stated that the Public Hearing was advertised in the Beacon and the information was posted on the Town web site.

Discussion arose on what type notification would be required for a Text Amendment, and, who would be considered an adjacent property owner. Landin said there is no requirement to notify adjacent property owners for a text amendment, it is not a state requirement and it is not in the ordinance.

The Board then discussed the potential for making restaurants a Special Use in MB-2 District. Landin explained an applicant would apply for a Special Use Permit, if Special Use was granted by the Board of Adjustment, then, conditions would be set forth based on site plans, and then after that the applicant would have to go through the building permit process.

Landin said if food establishments are moved under a Special Use, 151.217, for the MB-2 District than you could strike out all the proposed conditions.

Bill suggested that “included and not limited to...” could be added in under professional and neighborhood services to address permitted uses not listed.

Landin stated this would be somewhat vague. More discussion ensued on what to include and what to leave out of Professional and Neighborhood services. It was determined that a definition would need to be crafted for Professional and Neighborhood services and added to the new Unified Ordinance.

In order to satisfy the applicant’s request a definition would need to be in place. More research and discussion would need to be done. It would be better to move restaurants and cafeterias to a Special Use in the MB-2, that way the Town has some control over what is going in. This will also help the applicant who dealing with time concerns.

**Eddie made a motion to Council that they approve a Text Amendment to MB-2 District to allow Restaurants and Cafeterias as a Special Use under Section 151.217. Seconded by Carol. Motion carried unanimously.**

Bill explained the motion will go to the Council on July 27, 2011 and they will call for a Public Hearing at the next meeting which will be in August 1, 2011.

8. **New Business**-None

9. **Comments from Visitors**-No visitor comments were made. However, Eddie suggested that the Council appoint a Zoning Administrator. He asked if Gary was currently the Zoning Administrator. Jeff was the Zoning Administrator as well Chief Building Inspector. And now Sandy is the Chief Building Inspector. Sandy said the Town Administrator can appoint a Zoning Administrator. Sandy said he has not been appointed yet. Landin said it is common for a Chief Building Inspector to also act as the Zoning Administrator.

10. **Adjournment**-Meeting adjourned at 10:00 am. Bill called for a motion to adjourn. Moved by Leon. Seconded by Eddie. Motion carried unanimously.

*Bill McDonald*

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*Bill McDonald- Chairman*

*Cindy Nelson*

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*Cindy Nelson- Secretary*